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C O N F I D E N T I A L SECTION 01 OF 02 SAN JOSE 000359

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SUBJECT: COSTA RICANS PATIENTLY AWAIT ELECTION RESULTS, BUT
POSSIBILITY OF TROUBLE AHEAD

REF: SAN JOSE 319

Classified By: Deputy Chief of Mission Russell Frisbie for reasons 1.4
(b) and (d)

11. (C) Summary: Although the unofficial preliminary tabulations of election results show Oscar Arias to have won the February 5 election by more than 10,000 votes, the current interim, cumulative total of the official recount (which eleven days after the election has passed the half-way point) now shows Otton Solis to be in the lead. We expect the daily tallies to increase Solis's interim, cumulative lead over the next week, at which time the advantage will start to shift back to Arias and end up confirming the 10,000 vote advantage of the former president. Embassy contacts in the Arias camp are concerned that when Arias overtakes Solis toward the end of February, there will be protests and accusations of fraud. Until now, however, the country could not be more calm with both the church and university rectors playing a constructive role by expressing their faith in the "rectitude, independence, and transparency" of the Supreme Electoral Tribunal (TSE). End Summary.

See-Saw Nature of Partial Results

12. (C) The manual recount of Costa Rica's February 5 elections has now passed the half-way point and also a turning point in that Oscar Arias, who had been in the lead until now, has slipped to second place behind Otton Solis, in the interim, cumulative total. According to Arias confidant Luis Diego Escalante, who had breakfast with Ambassador on February 15, the next several reports of interim, cumulative totals will show Solis increasing his lead over the next week or so, reaching an advantage of more than 20,000 votes. When the Supreme Electoral Tribunal (TSE) then begins counting the last three of the country's seven provinces -- Guanacaste, Puntarenas, and Limon -- where Arias is strong, the advantage will start to shift back to Arias. Escalante pointed out that we already know from unofficial preliminary tabulations made public shortly after the election that Arias will in the end win by more than 10,000 votes.

"Inconsistencies and Irregularities"

13. (C) Solis's representative at the manual recount, Rodrigo Alberto Carazo, has complained constantly, saying on February 14: "We believe the quality of the manual count has not been adequate. We therefore formally requested a review of the ballots of polling places where there was any inconsistency or irregularity." Epsy Campbell, Solis's running mate for first vice president, told the press that the TSE is moving too fast and making mistakes. She stressed that it is not only a matter of counting ballots but of resolving questions about misplaced ballots, mismarked ballots, etc. Escalante believes that when Arias overtakes Solis in the recount toward the end of February, complaints of "irregularities" will mount and in the end will become accusations of fraud. He had also heard about possible Venezuelan involvement in organizing protests. Kevin Casas, Arias's running mate for second vice president told poloff February 15 that he believes the labor unions, with money from Venezuela, will organize major anti-Arias rallies before Arias takes office.

Country is Calm

14. (C) The mood of the country, at least until now, belies Escalante's and Casas's concerns. Articles about the recount left the front pages of the country's newspapers several days ago. There seems to be an unwritten rule, perhaps in deference to the TSE, that the results of the unofficial count, conducted by voting officials at the polling places and then tabulated centrally, are not to be discussed. There is an air of make-believe suspense, like when watching a movie after you have already read the book.

15. (C) Jose Thompson, head of the Center for Electoral Promotion and Assistance (CAPEL), a branch of the Interamerican Institute for Human Rights (IIDH), told poloff that the relative calm in the country was primarily attributable to the TSE's reputation for independence. He noted, however, that the TSE appears to have been caught by

surprise by the closeness of the election results, and that their response so far had been inept. TSE President Oscar Fonseca's initial promises to release official results quickly resulted in several missed deadlines, undermining the credibility of the institution. Thompson, who is currently coordinating election education and monitoring efforts in nearly half the countries of Latin America, felt that the TSE's reputation for neutrality and competence was generally

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deserved and that, especially from a regional perspective, Costa Rica's electoral process was transparent and trustworthy.

Positive Role of Church and University Rectors

16. (U) The Conference of Catholic Bishops of Costa Rica and the National Council of Rectors (representing the heads of the four public universities separately issued statements of support of the TSE on February 13. The church pronounced the elections "free and clean" and noted "the praiseworthy work of the TSE in guaranteeing the independence, transparency, and neutrality of the electoral process." The university rectors expressed confidence in "the rectitude, honesty, and transparency" of the TSE, which is "the cement of our democracy." On February 14, President Pacheco also expressed his faith in the TSE. Until now, there has been no serious public criticism of the TSE's handling of the election and the recount.

Comment

17. (C) Those who may want to sow voter mistrust by undermining the credibility of the TSE face an uphill battle. The TSE, because it is the ultimate arbiter of elections from which there can be no appeal, is often referred to as the fourth branch of government. Created in 1949, the TSE is credited with ensuring peace in Costa Rica ever since a brief civil war was fought over the disputed 1948 election results. Even the suggestion that international observers monitor the recount is objectionable for many Costa Ricans. Tomas Duenas, Costa Rican Ambassador to the United States, defending the honor of the TSE, told us on February 7 that the work of Costa Rican elections was "of Costa Ricans, by Costa Ricans, and for Costa Ricans."

18. (C) Costa Rican labor unions, emboldened by Solis's better-than-expected showing in the election, have said earlier that "it would be an extremely dangerous provocation" for the Legislative Assembly to hold hearings on CAFTA-DR ratification (San Jose 331). Because Arias is a CAFTA-DR supporter, and Solis is not, Arias's election as president may also be seen by the unions to be a provocation. So, while the country is calm for now, it is difficult to predict what will come in the days and weeks ahead.

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